

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF ADJUSTMENT OF ELECTRIC)	CASE NO.
RATES OF KENTUCKY POWER COMPANY)	91-066

O R D E R

The matter arising upon motion of Kentucky Power Company ("Kentucky Power") filed July 29, 1991 to reconsider the Order entered July 23, 1991 denying confidential protection to Kentucky Power's responses to Items 279 and 280 of the first set of data requests of the Attorney General of the Commonwealth of Kentucky ("Attorney General"), and it appearing to this Commission as follows:

On June 28, 1991, Kentucky Power petitioned the Commission for confidential protection for certain of its responses to the Attorney General's first set of data requests. Included in the information sought to be protected were the responses to Items 279 and 280. In its Order entered July 23, 1991, the Commission found no evidence in the petition to support Kentucky Power's contention that disclosure of the information was likely to cause Kentucky Power competitive injury, and protection was denied. In its motion for rehearing, Kentucky Power provides additional factors for the Commission to consider concerning the potential value of the information to its competitors.

Items 279 and 280, along with Item 281, requested information concerning residential customer usage of power broken down according to income levels. Item 279 requested the annual average amount of power used per customer, Item 280 requested the average air conditioning saturation level, and Item 281 requested the average electric heat saturation level. The Order of July 23, 1991 recognized that Kentucky Power competes with other utilities, notably natural gas utilities, to provide energy for heating purposes and that disclosure of the information furnished in response to Item 281 could be used by its competitors to Kentucky Power's detriment. Therefore, the information was ordered to be protected as confidential. In its motion for rehearing, Kentucky Power points out that the protected information provided in response to Item 280 can be derived from its response to Item 279. Competitors need only subtract the base load to obtain an estimate of electric space heating, electric water heating, and electric air conditioning energy used by each of the income groups specified. Therefore, disclosure of the information is likely to cause Kentucky Power competitive injury and the information should be protected as confidential.

Item 280 requests the average air conditioning saturation levels segregated by income. In its motion for rehearing, Kentucky Power states that gas companies continue to target electric air conditioning customers for conversions to gas and that the information furnished in response to Item 280 could be used by natural gas companies in their marketing efforts.

Therefore, this information should likewise be protected as confidential.

This Commission being otherwise sufficiently advised,

IT IS ORDERED that:

1. Those portions of the July 23, 1991 Order denying confidential protection to the information furnished in response to Items 279 and 280 be and are hereby vacated.

2. The information furnished in response to Items 279 and 280 shall be held and retained by this Commission as confidential.

3. Kentucky Power and the Attorney General shall negotiate for an agreement setting forth terms and conditions upon which the Attorney General shall be permitted to review the material protected from disclosure by this Order as confidential.

Done at Frankfort, Kentucky, this 9th day of August, 1991.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman

Commissioner

ATTEST:


Executive Director